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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jose Rocca, et al.

Examiner: Leonard M. Williams

Serial No.: 10/086,059

Art Unit: 1617

Filing Date: February 27, 2002

Title: A SUSTAINED RELEASE
PHARMACEUTICAL COMPOSITION

Attorney Docket Number: 540591-7095.1

Commissioner for Patents
Mail Stop PETITION
P.O. Box 1450
Alexandria, VA 22313-1450

Sir;

PETITION TO REVIVE FOR FAILURE TO TIMELY RESPOND TO OFFICE ACTION

Applicant hereby files this Petition to Revive and withdraw any holding of abandonment of the above-identified application for U.S. patent for failure to timely respond to Office Action.

The above-identified applications for U.S. patent became abandoned for failure to timely respond to an Office Action mailed on July 14, 2005.

Applicant respectfully submits that the abandonment of the above-identified application for U.S. patent was unintentional. The entire delay in filing the required response from the due date until the filing of this petition was unintentional. The delay was caused by a faulty docketing system which failed to provide warning to the upcoming due date.

Please charge our deposit account number 50-2543 the appropriate fee of \$1500.00. Additionally, please credit any overpayment or charge any additional fees necessary revive this application to this deposit account.

If there are any questions, please call the undersigned at the telephone number indicated below.

Respectfully submitted,

Kos Pharmaceuticals, Inc.

Karen P. Bechtold

Karen P. Bechtold, Esq.

Attorney for Applicant

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Date: 01/26/06

CERTIFICATION UNDER 37 C.F.R., §1.10

I hereby certify that the attached papers are being deposited with the United States Postal service as: "Express Mail Post Office to Addressee" Service under 37 C.F.R. §1.10 on 01/26/06 and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ED055674228US

Express Mail Label Number

[Signature]
Oscar Espinosa